

THE
SEQUESTRATION ACT
OF THE
CONFEDERATE STATES,

WITH

THE INSTRUCTIONS FROM THE ATTORNEY GENERAL
OF THE CONFEDERATE STATES TO
RECEIVERS UNDER THE ACT.

THE RULES OF THE DISTRICT COURT OF THE CON-
FEDERATE STATES FOR THE DISTRICT
OF SOUTH CAROLINA

AND

AN APPENDIX OF FORMS.

CHARLESTON.

PRINTED BY A. J. BURKE, 40 BROAD-STREET.

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THE SEQUESTRATION ACT.

AN ACT for the Sequestration of the Estates, Property and Effects of Alien Enemies, and for the Indemnity of Citizens of the Confederate States, and Persons aiding the same in the Existing War with the United States.

WHEREAS, The Government and people of the United States have departed from the usages of civilized warfare in confiscating and destroying the property of the people of the Confederate States of all kinds, whether used for military purposes or not; and, whereas, our only protection against such wrongs is to be found in such measures of retaliation as will ultimately indemnify our citizens for their losses, and restrain the wanton excesses of our enemies; Therefore,

SECTION 1. Be it enacted by the Congress of the Confederate States of America, That all and every, the lands, tenements and hereditaments, goods and chattels, rights and credits, within these Confederate States, and every right and interest therein held, owned, possessed or enjoyed by or for any alien enemy since the twenty-first day of May, one thousand eight hundred and sixty-one, except such debts due to an alien enemy as may have been paid into the Treasury of any one of the Confederate States prior to the passage of this law, be, and the same are hereby sequestered by the Confederate States of America, and shall be held for the full indemnity of any true and loyal citizen or resident of these Confederate States, or other person aiding said Confederate States in the prosecution of the present war between said Confederate States and the United States of America, and for which he may suffer any loss or injury under the act of the United States to which this act is retaliatory, or under any other act of the United States, or of any State thereof authorizing the seizure, condemnation, or confiscation of the property of citizens or residents of the Confederate States, or other person aiding said Confederate States, and the same shall be seized and disposed of as provided for in this act: Provided, however, When the estate, property or rights to be effected by this act were, or are within some State of this Confederacy, which has become such since

said twenty-first day of May, then this act shall operate upon, and as to such estate, property or rights, and all persons claiming the same from and after the day such State became a member of this Confederacy, and not before: Provided, further, That the provisions of this act shall not extend to the stocks or other public securities of the Confederate Government, or of any of the States of this Confederacy, held or owned by any alien enemy, or to any debt, obligation, or sum due from the Confederate Government, or any of the States, to such alien enemy: And provided, also, That the provisions of this act shall not embrace the property of citizens or residents of either of the States of Delaware, Maryland, Kentucky or Missouri, or of the District of Columbia, or the Territories of New Mexico, Arizona, or the Indian Territory South of Kansas, except such of said citizens or residents as shall commit actual hostilities against the Confederate States, or aid and abet the United States in the existing war against the Confederate States.

SEC. 2. And be it further enacted, That it is, and shall be the duty of each and every citizen of these Confederate States speedily to give information to the officers charged with the execution of this law of any and every lands, tenements and hereditaments, goods and chattels, rights and credits within this Confederacy, and of every right and interest therein held, owned, possessed or enjoyed by or for any alien enemy as aforesaid.

SEC. 3. Be it further enacted, That it shall be the duty of every attorney, agent, former partner, trustee or other person holding or controlling any such lands, tenements or hereditaments, goods or chattels, rights or credits, or any interest therein, of or for any such alien enemy, speedily to inform the Receiver, hereinafter provided to be appointed, of the same, and to render an account thereof, and, so far as is practicable, to place the same in the hands of such Receiver; whereupon, such person shall be fully acquitted of all responsibility for property and effects so reported and turned over. And any such person wilfully failing to give such information and render such account shall be guilty of a high misdemeanor, and, upon indictment and conviction, shall be fined in a sum not exceeding five thousand dollars and imprisoned not longer than six months, said fine and imprisonment to be determined by the Court trying the case, and shall further be liable to be sued by said Confederate States, and subjected to pay double the value of the estate, property or effects of the alien enemy held by him or subject to his control.

SEC. 4. It shall be the duty of the several Judges of this Confederacy to give this act specially in charge to the Grand Juries of these Confederate States, and it shall be their duty

at each sitting well and truly to inquire and report all lands, tenements and hereditaments, goods and chattels, rights and credits, and every interest therein, within the jurisdiction of said Grand Jury, held by or for any alien enemy, and it shall be the duty of the several Receivers, appointed under this act, to take a copy of every such report, and to proceed in obtaining the possession and control of all such property and effects reported, and to institute proceedings for the sequestration thereof in the manner hereinafter provided.

SEC. 5. Be it further enacted, That each Judge of this Confederacy shall, as early as practicable, appoint a Receiver for each section of the State for which he holds a Court, and shall require him, before entering upon the duties of his office, to give a bond in such penalty as may be prescribed by the Judge, conditioned that he will diligently and faithfully discharge the duties imposed on him by law. And said officer shall hold his office at the pleasure of the Judge of the district or section for which he is appointed, and shall be removed for incompetency, or inefficiency, or infidelity in the discharge of his trust. And should the duties of any such Receiver, at any time, appear to the Judge to be greater than can be efficiently performed by him, then it shall be the duty of the Judge to divide the district or section into one or more Receiver's districts, according to the necessities of the case, and to appoint a Receiver for each of said newly created districts. And every such Receiver shall also, before entering upon the duties of his office, make oath in writing before the Judge of the district or section for which he is appointed, diligently, well and truly to execute the duties of his office.

SEC. 6. Be it further enacted, That it shall be the duty of the several Receivers aforesaid to take the possession, control and management of all lands, tenements and hereditaments, goods and chattels, rights and credits of each and every alien enemy within the section for which he acts. And to this end he is empowered and required, whenever necessary for accomplishing the purposes of this Act, to sue for and recover the same in the name of said Confederate States, allowing in the recovery of credits, such delays as may have been or may be prescribed in any State as to the collection of debts therein during the war. And the form and mode of action, whether the matter be of jurisdiction in Law or Equity, shall be by petition to the Court setting forth, as best he can, the estate, property, right or thing sought to be recovered, with the name of the person holding, exercising supervision over, in possession of or controlling the same, as the case may be, and praying a sequestration thereof. Notice shall thereupon be forthwith issued by the Clerk of the Court, or by the Receiver, to such

person, with a copy of the petition, and the same shall be served by the Marshal or his deputy and returned to the courts as other mesne process in law cases; whereupon the cause shall be docketed and stand for trial in the court according to the usual course of its business, and the court or Judge shall, at any time, make all orders of seizure that may seem necessary to secure the subject matter of the suit from danger of loss, injury, destruction or waste, and may, pending the cause, make orders of sale in cases that may seem to such Judge, or court, necessary to preserve any property sued for from perishing or waste: Provided, That in any case when the Confederate Judge shall find it to be consistent with the safe keeping of the property so sequestered to leave the same in the hands and under the control of any debtor or person in whose hands the real estate and slaves were seized, who may be in possession of the said property or credits, he shall order the same to remain in the hands and under the control of said debtor or person in whose hands the real estate and slaves were seized, requiring in every such case such security for the safe-keeping of the property and credit as he may deem sufficient for the purpose aforesaid, and to abide by such further orders as the court may make in the premises. But this proviso shall not apply to bank or other corporation stock, or dividends due, or which may be due thereon, or to rents on real estate in cities. And no debtor or other person shall be entitled to the benefit of this proviso unless he has first paid into the hands of the Receiver all interests or net profits which may have accrued since the 21st May, eighteen hundred and sixty-one; and, in all cases coming under the proviso, such debtor shall be bound to pay over annually to the Receiver all interest which may accrue as the same falls due: and the person in whose hands any other property may be left shall be bound to account for, and pay over annually to the Receiver the net income or profits of said property, and on failure of such debtor or other person to pay over such interest, net income or profits, as the same falls due, the Receiver may demand and recover the debt or property. And, wherever, after ten days' notice to any debtor or person in whose hands property or debts may be left, of an application for further security, it shall be made to appear to the satisfaction of the court that the securities of such debtor or person are not ample, the court may, on the failure of the party to give sufficient additional security, render judgment against all the parties on the bond for the recovery of the debt or property: Provided, further, That said court may, whenever in the opinion of the Judge thereof the public exigencies may require it, order the money due as aforesaid to be demanded by the Receiver, and if upon demand of the Receiver, made in conform-

ity to a decretal order of the court requiring said Receiver to collect any debts for the payment of which security may have been given under the provision of this Act, the debtor or his security shall fail to pay the same, then upon ten days' notice the said debtor and his security, given by said Receiver, of a motion to be made in said court for judgment for the amount so secured, said court, at the next term thereof, may proceed to render judgment against said principal and security, or against the party served with such notice, for the sum so secured, with interest thereon, in the name of said Receiver, and to issue execution therefor.

SEC. 7. Any person in the possession and control of the subject matter of any such suit, or claiming any interest therein, may, by order of the court, be admitted as a defendant and be allowed to defend to the extent of the interest propounded by him; but no person shall be heard in defence, until he shall file a plea, verified by affidavit and signed by him, setting forth that no Alien Enemy has any interest in the right which he asserts, or for which he litigates, either directly or indirectly, by trust, open or secret, and that he litigates solely for himself, or for some citizen of the Confederate States whom he legally represents; and when the defence is conducted for or on account of another, in whole or part, the plea shall set forth the name and residence of such other person, and the relation that the defendant bears to him in the litigation. If the cause involves matter which should be tried by a jury, according to the course of common law, the defendant shall be entitled to a jury trial. If it involves matters of equity jurisdiction, the court shall proceed according to its usual mode of procedure in such cases, and the several courts of this Confederacy may, from time to time, establish rules of procedure under this act, not inconsistent with the act or other laws of these Confederate States.

SEC. 8. Be it further enacted, That the Clerk of the court shall, at the request of the Receiver, from time to time, issue writs of garnishments, directed to one or more persons, commanding them to appear at the then sitting, or at any future, term of the court, and to answer under oath what property or effects of any Alien Enemy he had at the service of the process, or since has had under his possession or control belonging to or held for an Alien Enemy, or in what sum, if any, he is or was at the time of service of the garnishment, or since has been indebted to any Alien Enemy, and the court shall have power to condemn the property or effects, or debts, according to the answer, and to make such rules and orders for the bringing in of third persons claiming or disclosed by the answer to have an interest in the litigation as to it shall seem proper; but

in no case shall any one be heard in respect thereto until he shall, by sworn plea, set forth substantially the matters before required of parties pleading. And the decree or judgment of the court, rendered in conformity to this act, shall forever protect the garnishee in respect to the matter involved. And in all cases of garnishment under this Act, the Receiver may test the truth of the garnishee's answer by filing a statement, under oath, that he believes the answer to be untrue, specifying the particulars in which he believes the garnishee has, by omission or commission, not answered truly; whereupon the court shall cause an issue to be made between the Receiver and garnishee, and judgment rendered upon the trial of other issues. And in all cases of litigation under this Act, the Receiver may propound interrogatories to the adverse party touching any matter involved in the litigation, a copy of which shall be served on the opposite party or his attorney, and which shall be answered under oath within thirty days of such service, and upon failure so to answer, the court shall make such disposition of the cause as shall to it seem most promotive of justice, or should it deem answers to the interrogatories necessary in order to secure a discovery, the court shall imprison the party in default until full answers shall be made.

SEC. 9. It shall be the duty of the District Attorney of the Confederate States, diligently to prosecute all causes instituted under this act, and he shall receive as a compensation therefor two per cent. on and from the fruits of all litigation instituted under this act: Provided, That no matter shall be called litigated except a defendant be admitted by the court, and a proper plea be filed.

SEC. 10. Be it further enacted, That each Receiver appointed under this act, shall, at least every six months, and as much oftener as he may be required by the Court, render a true and perfect account of the matters in his hands or under his control under the law, and shall make and state just and perfect accounts and settlements under oath of his collections of moneys and disbursements under this law, stating accounts and making settlements of all matters separately, in the same way as if he were administrator of several estates of deceased persons by separate appointments. And the settlements and decrees shall be for each case or estate separately, so that the transaction in respect to each Alien Enemy's property may be kept recorded and preserved separately. No settlement as above provided shall, however, be made until judgment or decree of sequestration shall have passed, but the court may at any time pending litigation, require an account of matters in litigation and in the possession of the Receiver, and may make such orders touching the same as shall protect the interest of the parties concerned.

SEC. 11. When the accounts of any Receiver shall be filed respecting any matter which has passed sequestration, the court shall appoint a day for settlement, and notice thereof shall be published consecutively for four weeks in some newspaper near the place of holding the court, and the Clerk of the court shall send a copy of such newspaper to the District Attorney of the Confederate States, for the court, where the matter is to be heard, and it shall be the duty of said District Attorney to attend the settlement and represent the Government, and see that a full, true and just settlement is made. The several settlements preceeding the final one shall be interlocutory only, and may be impeached by the final settlements, which latter shall be conclusive unless reversed or impeached within two years, for fraud.

SEC. 12. Be it further enacted, That the court having jurisdiction of the matter shall, whenever sufficient cause is shown therefor, direct the sale of any personal property, other than slaves, sequestered under this act, on such terms as to it shall seem best, and such sale shall pass the title of the person as whose property the same has been sequestered.

SEC. 13. All settlements of accounts of Receivers for sequestered property shall be recorded, and a copy thereof shall be forwarded by the Clerk of the court to the Treasurer of the Confederate States within ten days after the decree, interlocutory or final has been passed; and all balances found against the Receiver shall by him be paid over into the court, subject to the order of the Treasurer of the Confederate States, and upon the failure of the Receiver for five days to pay over the same, execution shall issue therefor, and he shall be liable to attachment by the court and to suit upon his bond. And any one embezzling any money under this act shall be liable to indictment, and on conviction shall be confined at hard labor for not less than six months nor more than five years, in the discretion of the court, and fined in double the amount embezzled.

SEC. 14. Be it further enacted, That the President of the Confederate States shall, by and with the advice and consent of Congress, or of the Senate, if the appointment be made under the permanent government, appoint three discreet Commissioners, learned in the law, who shall hold at the seat of Government two terms each year, upon notice given, who shall sit so long as the business before them shall require, whose duty it shall be, under such rules as they may adopt, to hear and adjudge such claims as may be brought before them by any one aiding this Confederacy in the present war against the United States, who shall alledge that he has been put to loss under the act of the United States, in retaliation of which this act is passed, or under any other act of the United States, or

of any State thereof, authorizing the seizure, condemnation or confiscation of the property of any citizen or resident of the Confederate States, or other person aiding said Confederate States in the present war against the United States, and the finding of such commissioners in favor of any such claim shall be *prima facie* evidence of the correctness of the demand, and whenever Congress shall pass the claim, the same shall be paid from any money in the Treasury derived from sequestration under this act: Provided, That said Board of Commissioners shall not continue beyond the organization of the Court of Claims, provided for by the constitution: to which Court of Claims the duties herein provided to be discharged by Commissioners shall belong upon the organization of said court. The salaries of said Commissioners shall be at the rate of two thousand five hundred dollars per annum, and shall be paid from the Treasury of the Confederacy. And it shall be the duty of the Attorney General or his assistant to represent the interests of this Government in all cases arising under this act before said Board of Commissioners.

SEC. 15. Be it further enacted, That all expenses incurred in proceedings under this Act shall be paid from the sequestered fund, and the Judges, in settling accounts with Receivers, shall make to them proper allowances of compensation, taking two and a half per cent. on receipts, and the same amount on expenditures, as reasonable compensation, in all cases. The fees of the officers of court shall be such as are allowed by law for similar services in other cases, to be paid, however, only from the sequestered fund: Provided, that all sums realized by any Receiver in any one year for his services, exceeding five thousand dollars, shall be paid into the Confederate Treasury, for the use of the Confederacy.

SEC. 16. Be it further enacted, That the Attorney General shall prescribe such uniform rules of proceeding under this law, not herein otherwise provided for, as shall meet the necessities of the case.

SEC. 17. Be it further enacted, That appeals may lie from any final decision of the court under this law in the same manner and within the same time as is now, or hereafter may be by law prescribed for appeals in other civil cases.

SEC. 18. Be it further enacted, That the word "person" in this law includes all private corporations; and in all cases, when corporations become parties, and this law requires an oath to be made, it shall be made by some officer of such corporation.

SEC. 19. Be it further enacted, That the courts are vested with jurisdiction, and required by this act to settle all partnerships heretofore existing between a citizen and one who is an Alien Enemy; to separate the interest of the Alien Enemy,

and to sequester it. And shall, also, sever all joint rights when an Alien Enemy is concerned, and sequesterate the interest of such Alien Enemy.

SEC. 20. Be it further enacted, That in all cases of administration of any matter or thing, under this act, the court having jurisdiction may make such orders touching the preservation of the property or effects under the direction or control of the Receiver, not inconsistent with the foregoing provisions, as to it shall seem proper. And the Receiver may, at any time, ask and have the instructions of the court, or judge, respecting his conduct in the disposition or management of any property or effects under his control.

SEC. 21. That the Treasury Notes of this Confederacy shall be receiveable in payment of all purchases of property or effects sold under this act.

SEC. 22. Be it further enacted, That nothing in this act be construed to destroy or impair the lien or other rights of any creditor, a citizen or resident of either of the Confederate States, or of any other person, a citizen or resident of any country, State or Territory, with which this Confederacy is in friendship, and which person is not in actual hostility to this Confederacy. And any lien or debt claimed against any Alien Enemy, within the meaning of this act, shall be propounded and filed in the court, in which the proceedings of sequestration are had, within twelve months from the institution of such proceedings for sequestration; and the court shall cause all proper parties to be made and notices to be given, and shall hear and determine the respective rights of all parties concerned: Provided, however, that no sales or payments over of money shall be delayed for, or by reason of such rights or proceedings; but any money realized by the Receiver, whether paid into the court, or Treasury, or still in the Receiver's hands, shall stand in lieu of that which produced said money, and be held to answer the demands of the creditors aforesaid, in the same manner as that which produced such money was. And all claims not propounded and filed as aforesaid, within twelve months as aforesaid, shall cease to exist against the estate, property, or effects sequestered, or the proceeds thereof.

Approved August 30, 1861.

DEPARTMENT OF JUSTICE, }
 RICHMOND, 12th September, 1861. }

Instructions to Receivers under the Act entitled "An Act for the Sequestration of the Estates, Property and Effects of Alien Enemies, and for the Indemnity of Citizens of the Confederate States, and Persons aiding the same in the existing War against the United States."—Approved 30th March, 1861.

I. The following persons are subject to the operation of the law as Alien Enemies :

1st. All citizens of the United States, except citizens or residents of Delaware, Maryland, Kentucky or Missouri, or the District of Columbia, or the Territories of New Mexico, Arizona, or the Indian Territory south of Kansas.

II. All persons who have a *domicil* within the States with which this Government is at war, no matter whether they be *citizens* or not : Thus the subjects of Great Britain, France, or other neutral nations, who have a *domicil*, or are carrying on business or traffic within the States at war with this Confederacy, are Alien Enemies under the law.

3d. All such citizens or residents of the States of Delaware, Maryland, Kentucky or Missouri, and of the Territories of New Mexico, Arizona and the Indian Territory south of Kansas, and of the District of Columbia, as shall commit actual hostilities against the Confederate States in the existing war against the Confederate States.

11. Immediately after taking your oath of office, you will take possession of all the property of every nature and kind within your District belonging to Alien Enemies as above defined.

III. You will forthwith apply to the clerk of the court for writs of garnishment under the 8th section of the law, and will propound to the garnishees the interrogatories of which a form is annexed. These interrogatories you will propound to the following persons, viz :

1st. All Attorneys and Counsellors practicing law within your District.

2d. The Presidents and Cashiers of all Banks, and principal administrative officers of all Railroad and other corporations within your District.

3d. All Agents of Foreign Corporations, Insurance Agents, Commission Merchants engaged in foreign trade, Agents of Foreign Mercantile Houses, Dealers in Bills of Exchange, Executors and Administrators of Estates, Assignees and Syndics of Insolvent Estates, Trustees and generally all persons who are known to do business as Agents for others.

IV. In the first week of each month you will exhibit to the Judge a statement showing the whole amount of money in your hands as Receiver, and deposit the same for safe keeping, in such bank or other depository as may be selected for that purpose by the Judge—reserving only such amount as may be required for immediate necessary expenditure in the discharge of your duties as Receivers.

V. You are strictly prohibited from making personal use in any manner whatever, or investing in any kind of property, or loaning with or without interest, or exchanging for other funds, without leave of the Court, any money or funds of any kind received by you in your official capacity.

VI. You are prohibited from employing, except at your own personal expense, any Attorney or Counsellor to aid you in the discharge of your duties, other than the District Attorney of the Confederate States for your District; and you are instructed to injoin his aid under the 9th section of the law, in all matters of litigation that may arise under the law.

VII. You will take special care to avoid the loss or deterioration of all personal property perishable in its nature, by applying for the sale thereof under the provisions of the 12th section of the law.

VIII. You will keep an account, showing exactly all sums received by you as allowances of compensation under the 15th section of the law, setting forth the date and amount of each receipt of such sums; and as soon as the amount received by you in any one year, shall reach the sum of five thousand dollars, you will pay over to the Assistant Treasurer of the Confederate States most convenient to your domicile, all further sums allowed you as compensation, taking duplicate receipts thereof, one to be retained as a voucher by yourself, and the other to be forwarded by mail to the Secretary of the Treasury.

IX. Whenever, in the discharge of your duties, you discover that any attorney, agent, former partner, trustee or other person holding or controlling any property, rights or credits of an Alien Enemy, has wilfully failed to give you information of the same, you will immediately report the fact to the District Attorney for your District, to the end that the guilty party may be subjected to the pains and penalties prescribed by the 3d section of the law.

J. P. BENJAMIN, Attorney-General.

The following interrogatories to garnishees have been prepared for your use, together with a note annexed for the information of the garnishee:

1. Have you now, or have you had in your possession, or under your control, since the twenty first day of May last [1861], and if yea, at what time, any land or lands, tenement or tene-

ments, hereditament or hereditaments, chattel or chattels, right or rights, credit or credits, within the Confederate States of America, held, owned, possessed or enjoyed for or by any Alien Enemy; or in or to which any Alien Enemy had, and when, since that time, any right, title or interest, either directly or indirectly?

2. If you answer any part of the foregoing interrogatory in the affirmative, then set forth specifically and particularly a description of such property, right, title, credit or interest; and if you have disposed of it in whole or in part, or of the profit, or rent, or interest accruing therefrom, then state when you made such disposition, and to whom, and where such property is, and by whom held?

3. Were you, since the twenty-first day of May, 1861, and if yea, at what time, indebted, either directly, or indirectly to any Alien Enemy or Alien Enemies? If yea, state the amount of such indebtedness, if one, and of each indebtedness, if more than one: Give the name or names of the creditors, and the place or places of residence, and state whether, and to what extent, such debt or debts have been discharged, and also the time and manner of the discharge.

4. Do you know of any land or lands, tenement or tenements, hereditament or hereditaments, chattel or chattels, right or rights, credit or credits, within the Confederate States of America, or any right or interest held, owned, possessed or enjoyed directly or indirectly, by or for one or more Alien Enemies since the twenty-first day of May, 1861, or in or to which any one or more Alien Enemies had since that time any claim, title, or interest, direct or indirect? If yea, set forth specifically and particularly what and where the property is, and the name and residence of the holder, debtor, trustee or agent.

5. State all else that you know which may aid in carrying into full effect the Sequestration Act of the 30th August, 1861, and state the same as fully and particularly as if thereunto specially interrogated.

A. B., Receiver.

NOTE.—The garnishee in the foregoing interrogatories is specially warned, that the Sequestration Act makes it the duty of each and every citizen to give the information asked in said interrogatories—(Act of 30th August, 1861, section 2.)

And if any attorney, agent, former partner, trustee or other person holding or controlling any property or interest therein of or for any Alien Enemy, shall fail speedily to inform the Receiver of the same, and to render him an account of such property or interest, he shall be guilty of a high misdemeanor, and, upon conviction, shall be fined in a sum not exceeding five thousand dollars, and imprisoned not longer than six months and be liable to pay besides to the Confederate States, double

the value of the property or interest of the Alien Enemies so held or subject to his control.—[Sec. 3.]

The Attorney General has also prescribed the following rule of practice for the Courts by virtue of the authority vested in him under the 16th section of the law.

RULE.

Garnishee, to whom written or printed interrogatories are addressed, may make their appearance by filing written answers, sworn to before a Justice of the Peace or other competent officer, unless specially ordered by the Court to appear in person.

IN THE CONFEDERATE COURT.

DISTRICT OF SOUTH CAROLINA.

ORDERED, in pursuance of the 7th section of an Act of the Confederate Congress, No. 269, directing the several Courts of this Confederacy to establish Rules of Procedure under the said Act: that the rules of Practice now published, and such as may be hereafter published, for the conduct of cases which may arise under the Act of the Congress of the Confederate States, No. 269, concerning the Sequestration of the estates, rights and credits of Alien Enemies; be hereafter observed in all cases under the said Act.

RULE FIRST.

The original proceeding shall be in all cases by petition—in the name of the Confederate States of America—and shall set forth, in distinct terms, the lands, tenements, hereditaments, goods and chattels, rights and credits, concerning which the decree for sequestration is prayed; and the person or persons if known, in whose custody, control, power or possession the same may be. And such petition shall be accompanied with, and have endorsed thereon a written notice directed to the person or persons in whose custody, control, power or possession such lands, tenements, hereditaments, goods and chattels, rights and credits of such Alien Enemy may be; requiring him or them to appear in this Court; and within thirty days from the service of the said petition, file his or their answer or plea to the said petition; showing cause, if any there shall be, why the decree for sequestration should not be made as prayed for in the said petition. And the District Attorney of the Confederate States for this District, in all cases where it may be by him considered necessary, shall have the privilege

of adding to the said petition a prayer; that the person or persons upon whom such petition is served, shall further, in the answer or plea to be filed by him or them, set forth and discover what other lands, tenements, hereditaments, goods and chattels, rights and credits of such Alien Enemy, he or they may have in his or their custody, control, power or possession. And such person or persons from whom such discovery is asked, shall, in the answer or plea to be filed by him or them, make a full, clear and distinct statement of all matters thereto relating, within his or their knowledge, remembrance, information and belief. And such statement shall be subject at all times to exceptions touching its clearness or sufficiency; and upon such exceptions being filed, a copy thereof shall be served upon such person or persons; and the questions raised by the said exceptions shall be set down for hearing without delay. If such exceptions shall be sustained, such person or persons shall be obliged to amend such answer or plea; and in default of doing so shall become liable to all the consequences resulting from a refusal, to make answer to proceedings on the Equity side of this Court.

RULE SECOND.

The petition and notice prescribed in the foregoing Rule, shall be filed with the Clerk of the Court, and a copy thereof shall be served by the Marshal of this District, personally, upon the parties therein charged to be in possession of the property referred to in the said petition; or a copy thereof shall be left at his or their usual place of abode. Such service shall be sworn to by the Marshal, or his deputy, if the service shall be made by a deputy; and returned into the office of the Clerk of the Court, within forty-eight hours from the time of such service. And if such return shall not be made at such time, the Marshal or his deputy shall state in the return, why the same was not so made.

RULE THIRD.

If personal service of the said petition and notice cannot be made; and the person or persons upon whom such service is to

be made have no usual place of abode at which the copy thereof may be left; the Marshal shall thereupon so make his return. And upon the making of such return, the District Attorney may enter an order that the Receiver shall take the property of such Alien Enemy into his possession, and the Clerk shall cause the copy of the notice endorsed on the petition to be posted at the door of the Court House, and published once in every four weeks in one or more of the gazettes of the city of Charleston, and of the District in which the property may be found or is situate.

RULE FOURTH.

If the person or persons upon whom the petition and notice shall be served; or to whom the notice so directed, is required to be posted and published; shall not appear and file his or their answer or plea within thirty days from the time of such service or the date of such publication; he or they shall be adjudged in default, and the petition shall be thereupon taken *pro confesso*: Provided, nevertheless, that the District Attorney of the Confederate States for this District, if he shall so desire, may ask for and obtain an order from the Court to compel the filing of an answer or plea; and for that purpose, in default still of an answer or plea, after such order, may have the aid of all the means, within the control of a Court of Equity of this State, to compel the answer or plea of such person or persons.

RULE FIFTH.

When the person or persons upon whom such petition and notice shall be served, shall contest the prayer thereof; or alledge a lien or claim on the property therein mentioned; or if the petition shall by its statement make it necessary for the Court to order other persons to be made parties; or if other persons shall, upon their own application, be admitted to intervene; such person or persons shall be allowed thirty days from the service of the notice or the order of the Court, to file his or their answer or plea to the said petition.

RULE SIXTH.

The District Attorney of the Confederate States shall, within

five days from the time of filing such answer or plea, file his replication to the same. And upon the filing of the replication, the pleadings shall be considered made up, and the case prepared for a hearing.

RULE SEVENTH.

In the trial of any case arising under this Act of the Congress of the Confederate States, the order and mode of proceeding shall be the same as is of force in the Courts of this State; and be made applicable to each case, according to its nature and subject matter; whether it shall be for trial on the Law or Equity side of the Court.

RULE EIGHTH.

If the pleadings in any case shall be made up, at any time during the term of Court, the case shall be placed on the docket of the Court, and be called for trial, at that term.

RULE NINTH.

If it shall become necessary during the progress of a case, to make up a side issue; or other proceeding for the trial of any question, the decision of which is necessary for the determination of the main issue; either party may apply therefor. And if the application shall be considered proper, such order will be thereupon made as may be necessary.

RULE TENTH.

All questions of evidence, which may be raised in any case, shall be decided as far as practicable according to the Law and the Practice, in like cases recognized and of force in the Courts of the State.

RULE ELEVENTH.

If the hearing of any case under this Act shall be on the Equity side of the Court, the decree in such case shall sustain the petition: or on the Law side of the Court, the verdict of the Jury shall sustain the petition: the decree shall be enrolled; or the judgment entered and recorded: and thereupon the Clerk of the Court shall issue the writ to sequester for the Confederate States, the property mentioned in the petition.

RULE TWELFTH.

Appeals shall be allowed from any Decree or Judgment upon questions of law or of fact, in the same manner as in civil cases at Law or in Equity, in the District Court of the Confederate States.

RULE THIRTEENTH.

In all cases where the Receivers shall under the 20th section of the Act ask the instructions of the Court or Judge respecting the disposition or management of property, it shall be done by petition, in which shall be stated particularly, the instruction asked for and the property concerning which it is asked. And where any person or persons are interested in or have a lien, claim or interest upon or in said property, notice shall be given to such person or persons of the application for such instructions; and he or they may be heard touching such lien, claim or interest, if the Court or Judge shall so desire.

RULE FOURTEENTH.

All applications by Receivers for the sale of property, shall also be by petition, stating the property particularly, and the circumstances relied upon as rendering the sale so asked for necessary or proper.

RULE FIFTEENTH.

Whenever the estate, property and effects of the Alien Enemy, against which proceedings shall be taken to sequester them, shall be in the custody or possession, of any person or persons, not alledging any lien, claim or interest therein, the Receiver, unless otherwise ordered by the Court, shall take the same under his possession, control and management. And in all cases where the person or persons having such custody or possession shall alledge a lien, claim or interest in such estate, property or effects, for his or their benefit, or the benefit of some other person, not an Alien Enemy, and in whose behalf he or they are authorized to alledge such lien, claim or interest; the said estate, property and effects may be left in his or their

possession, for such time and upon such terms, as may be imposed by the Court. And this rule shall apply to all kinds of estates, property and effects liable to sequestration, except real estate and negroes, and debts: concerning which special rules will be framed.

RULE SIXTEENTH.

Writs of Garnishment, shall be issued by the Clerk, with the usual test, and under the seal of the Court; and whenever issued in vacation shall be made returnable to the next succeeding term: if issued during the term, then to a certain day in the term. And on or before the Return Day mentioned in the said writ, an appearance may be entered in the Clerk's office; in like manner and on or before the Return Day mentioned in the said writ, the person or persons to whom the said writ of Garnishment is directed shall file in the office of the Clerk, answers to the interrogatories annexed to the said writ.

RULE SEVENTEENTH.

If the person or persons to whom the writ of Garnishment is directed, shall require further time, than that which may be, between the service and the return of such writ, to make his answer to the interrogatories, or any of them: he may apply for such further time, setting forth the reasons which make such an extension of the time as he may ask for necessary: and specifying the question or questions for which he may ask it. And such statements shall be made upon oath: and notice of such application shall be served upon the District Attorney.

RULE EIGHTEENTH.

In any case arising under this Act, in which the Receiver shall have reason to believe that the subject matter of the suit is in danger of loss, injury, destruction or waste, pending litigation; he shall file an application to the Court stating the particular loss, injury, destruction or waste to which it is exposed or may be liable, and asking such order therein as may seem to him necessary. And thereupon such order will be made, either for the sale or other disposition of it, as may seem proper to the Court.

RULE NINETEENTH.

Whenever the Receiver intends to test the truth of the return made by the garnishee to the writ of garnishment, he shall file with the Clerk a statement in writing, in the form of exceptions to the said return: in which shall be set forth in distinct articles, the particular matter or things, concerning which, he may alledge that such garnishee has not answered truly. And to such statement, the garnishee may reply by way of plea or answer, in support of his return. And to such plea or answer, the Receiver in the name of the Confederate States, shall file his replication. And the time to be allowed in each case, for the garnishee to file his plea or answer to such statements, and for the replication to the said plea or answer, shall be fixed according to the circumstances of each case by the order of the Court.

RULE TWENTIETH.

On the first day of each and every month, commencing with and from the first day of November next ensuing, each Receiver shall file with the Clerk, a true and perfect account of all matters in his hands or under his control under the law: and make and state a just and true account of all matters connected with each estate of an Alien Enemy of which he is a Receiver.

RULE TWENTY-ONE.

Wherever, under any of the foregoing rules, personal or other service of any petition, process or other paper issuing from the Court, shall be required; the same may be made by the appearance of the Attorney or Solicitor in behalf of the person or persons, named in such petition, process or other paper, and upon whom such petition, process or other paper was directed to be served.

ADDITIONAL RULES.

CHIEFLY APPLICABLE IN CASES IN OTHER DISTRICTS THAN
CHARLESTON.

I.

The Deputy Marshal of each District or Section, under the charge of a Receiver, instead of making his return to the office of the Clerk as directed in the 2d Rule, shall make it to the Receiver by whom the petition was delivered to him.

II.

All cases arising under the said Act in the Districts of Lancaster, Chester, York, Union, Spartanburg, Greenville, Anderson, Pickens, Abbeville, Edgefield, Newberry, Laurens, and Fairfield, shall be tried at the Court to be held in Greenville. All cases arising under the said Act in Charleston, Beaufort, and Colleton, and Georgetown shall be tried at Charleston. All cases arising in any other Districts than those named shall be tried at Columbia.

III.

Any business under this Act, which could not be disposed of at Columbia, may be transferred to Charleston: and business which could not be disposed of at Charleston may be transferred to Columbia.

IV.

The Deputy Marshal for each District or Section shall in a proper book, duly enter each petition, writ, process or other paper which may come to his hands to be served: stating the parties thereto; by whom lodged and when; and when and to whom return of the same was made. And said book shall be by him produced at the court, where a case is to be disposed of, in which he has served such petition, writ, process or other paper.

V.

Each Receiver out of Charleston District will make up the

account required in the 20th Rule, to the first day of the month: and on that day shall lodge the same in the postoffice where he resides, addressed to the Clerk of the District Court of the Confederate States at Charleston. And such account, in addition to any other time in which he may be required to vouch the same, shall always be vouched by him, at the first day of the term of the court, at such place as he may be required to make the cases returnable which are in the section confided to him.

VI.

All money's which may be received by any receiver, shall be deposited by him immediately after the receipt thereof in some incorporated bank of the State, of any of the Districts which compose the District or section of which he is Receiver.

VII.

All answers to petitions, returns of garnishees, and other matters concerning which parties who have in their custody, control, power or possession, estates, property or effects of Alien Enemies, are or may be ordered or required to make discovery, answer or return, may be filed in cases which are to be tried at Columbia or Greenville, may be filed with the Receiver of the Confederate States at either place. And such Receiver shall safely keep such paper; and give notice thereof to the Clerk of the District Court of the Confederate States at Charleston.

CONFEDERATE STATES.	Sequestration Act, 1861.
Return of Alien Enemies, in his possession or of May, 1861.	of property and effects of control since the 21st day

Sworn to before me this day of A. D. 1861.

CONFEDERATE STATES OF AMERICA, }
SOUTH CAROLINA DISTRICT. }

To D. H. Hamilton, Marshal of the Confederate States,
For the District of South Carolina.

4

You are therefore by these Presents ordered and required to summon the said _____ to be and appear before the District Court of the Confederate States for the District of South Carolina, at its sitting in _____ on the _____ day of _____ next, then and there to answer in the premises : and upon his oath fully and particularly to answer the interrogatories hereto annexed, and to set forth and discover what lands, tenements and hereditaments, goods and chattels, rights and credits of any alien enemy, he had at the service of this process, or since has had in his custody, control, power or possession, to the end that according to his answer, and such further proceedings as may be had therein, such property and effects of the alien enemy may be condemned and sequestered under the provisions of the aforesaid Act of the Congress of the Confederate States. And you will execute this Process by serving personally on the _____ or leaving at his usual place of abode, a copy thereof ; with a notice endorsed thereon, requiring him to appear and answer as herein directed.

AND whatsoever you shall do in the premises, you shall make true return thereof, at the time and place aforesaid.

Witness, the Hon. A. G. MAGRATH, Judge of the Confederate States, this _____ day of _____ A. D. 1861.

To

You are hereby notified to appear before the District Court of the Confederate States, at its sitting in _____ on the _____ day of _____ next, then and there to answer in writing and upon oath, the interrogatories annexed to the within Writ.

H. Y. GRAY, Clerk C. S. District, So. Ca.

INTERROGATORIES ADDRESSED TO

1. Have you now, or have you had in your possession, or under your control since the twenty-first day of May last ? (1861,) and if yea, at what time, any land or lands, tenement or tenements, hereditament or hereditaments, chattel or chattels, right or rights, credit or credits, within the Confederate States of America, held, owned, possessed or enjoyed for or by an alien enemy : or in or to which any alien enemy had, and when, since that time, any right title or interest, either directly or indirectly.

2. If you answer any part of the foregoing interrogatory in the affirmative, then set forth specifically and particularly, a description of such property, right, title, credit or interest, and if you have disposed of it in whole or in part, or of the profit or rent or interest accruing therefrom, then state when you made such disposition, and to whom and where such property now is and by whom held.

3. Were you, since the twenty-first day of May, 1861, and if yea, at what time, indebted, either directly or indirectly, to any alien enemy or alien enemies? If yea, state the amount of such indebtedness, if one, and of each indebtedness if more than one: give the name or names of the creditor or creditors, and the place or places of residence, and state whether, and to what extent, such debt or debts have been discharged, and also the time and manner of the discharge.

4. Do you know of any land or lands, tenement or tenements, hereditament or hereditaments, chattel or chattels, rights, credit or credits, within the Confederate States of America, or any right or interest held, owned, possessed or enjoyed, directly or indirectly, by or for one or more alien enemies, since the twenty-first day of May, 1861, or in or to which any one or more alien enemies had since that time any claim, title or interest, direct or indirect? If yea, set forth specifically and particularly what and where the property is, and the name and residence of the holder, debtor, trustee or agent.

5. State all else that you know which may aid in carrying into full effect the Sequestration Act of the 30th August, 1861, and state the same as fully and particularly as if thereunto specially interrogated.

Receiver.

NOTE—The garnishee in the foregoing interrogatories, is specially warned, that the Sequestration Act makes it the duty of each and every citizen to give the information asked in said interrogatories.—[*Act of 30th August, 1861, Section 2.*]

And if any attorney, agent, former partner, trustee or other person, holding or controlling any property or interest therein, of or for any alien enemy, shall fail speedily to inform the Receiver of the same, and to render him an account of such property or interest, he shall be guilty of a high misdemeanor, and, upon conviction, shall be fined in a sum not exceeding five thousand dollars, and imprisoned not longer than six months, and be liable to pay besides to the Confederate States, double the value of the property or interest of the alien enemies so held or subject to his control.—[*Sec. 3.*]

The Attorney-General has also prescribed the following rule of practice for the Courts, by virtue of the authority vested in him under the 16th section of the law.

RULE.

Garnishees, to whom written or printed interrogatories are addressed, may make appearance by filing written answers, sworn to before a Justice of the Peace, or other competent officer, unless specially ordered by the Court to appear in person.

III.
PETITION.

IN THE DISTRICT COURT.

CONFEDERATE STATES OF AMERICA, }
SOUTH CAROLINA DISTRICT. }

To the Hon. A. G. Magrath,

Confederate Judge for the District aforesaid.

The Petition of Receiver of Sequestered Estates, duly appointed by the Judge aforesaid, who sues in the name and behalf of the Confederate States of America, respectfully sheweth,

1. That open and public war exists between the United States of America and the said Confederate States of America, by virtue of an Act of the Congress of the said Confederate States, entitled "*An Act recognizing the existence of war between the United States and the Confederate States; and concerning Letters of Marque, Prizes and Prize Goods,*" approved on the sixth day of May, A. D., 1861.

2. That by virtue of the Act of the Congress of the said Confederate States, entitled "*An Act for the Sequestration of the Estates, Property and effects of Alien Enemies, and for the indemnity of Citizens of the Confederate States, and persons aiding the same in the existing war with the United States,*" approved on the 30th day of August, A. D. 1861, all and every the lands, tenements and hereditaments, good and chattels, rights and credits, within these Confederate States, and every right and interest therein held, owned, possessed or enjoyed, by or for any alien enemy, since the twenty-first day of May, one thousand eight hundred and sixty-one, except such debts due to an alien enemy, as may have been paid into the Treasury of any one of the Confederate States, prior to the passage of said Act, are sequestered by the Confederate States of America, to be held for the indemnity of certain citizens of the said Confederate States and others, according to the provisions of the Act of Congress aforesaid.

3. That there are within the limits of these Confederate States, to wit, in the District aforesaid, and within the jurisdiction of this Court, certain lands, tenements and hereditaments, goods and chattels, rights and credits, held, owned, possessed and enjoyed by or for certain alien enemies to wit,

And that the estate, effects, property and interests of the alien enemies aforesaid, are, when ascertained, liable to be sequestered by notice of the Act of Congress aforesaid.

WHEREFORE your Petitioner, in the name and behalf of the said Confederate States, prays that process in due form of law according to the course of this Honorable Court, in cases of this nature, may issue against the said

and all other persons holding, exercising supervision over, in possession of, or controlling all and singular the lands and tenements, goods, chattels, rights and credits, or any interest therein of the alien enemies aforesaid, that he and they may be required upon oath, to answer, set forth and discover whether the said

are not alien enemies of the Confederate States, and whether the property and effects hereinbefore specified, or any interest therein, are held or controlled by them or either of them for the alien enemies aforesaid, or any or either of them, or for any other alien enemies; and whether they or any or either of them have any custody, possession or control, of any other lands, tenements, hereditaments, goods, chattels, rights and credits, of the alien enemies aforesaid, or any or either of them; and whether they or any or either of them have any claim or lien on any of the property and effects aforesaid.

And that your Petitioners may be entitled to Writs of Garnishment, to be issued out of and under the Seal of this Honorable Court, and directed to such other persons as may have in their possession, custody or control, any other property and effects of the alien enemies aforesaid, or any or either of them. And that the said property and effects of the alien enemies aforesaid, and all other property belonging to the said alien enemies, or in which they may have an interest, which shall be discovered and be brought within the jurisdiction of this Court, may be sequestered according to the provisions of the Act of Congress aforesaid, for the uses and purposes in the same specified; and that your Petitioner may have such other and further order, decree, direction and relief in the premises, as the nature of the case may require, and to your Honor may seem meet.

And your Petitioner will ever pray, &c.

C. R. MILES, C. S. Dist. Att'y, *pro tem.*

V.

APPLICATION TO INTERVENE.

IN THE CONFEDERATE COURT.

SOUTH CAROLINA DISTRICT.

THE CONFEDERATE STATES OF AMERICA, }
vs. }
An Alien Enemy. }

To the Hon. A. G. MAGRATH, Judge of the said Court.

The Petition of _____ respectfully sheweth,
 that he has an interest in the subject-matter of the said suit,
 and prays to be admitted as a Defendant, and allowed to defend
 to the extent of his interest.

IV.

FORM OF AN ANSWER.

IN THE CONFEDERATE COURT.

SOUTH CAROLINA DISTRICT.

THE CONFEDERATE STATES OF AMERICA, }
vs. }
An Alien Enemy. }

To the Hon. A. G. MAGRATH, Judge of the said Court.

The answer of _____ to the Petition in the above
 stated cause, praying sequestration of the property of
 an Alien Enemy ; respectfully sheweth :

Wherefore the said _____ prays that the interest now
 propounded, be protected in the decree for sequestration prayed
 for in the said Petition; and that such order may be made in the
 case as to the said Court may seem meet.

Affidavit annexed to the Answer.

Personally appeared _____ and makes oath, that no Alien
 Enemy has any interest in the right set forth in this answer,
 which he asserts and for which he litigates, either directly or
 indirectly, by trust, open or secret; that he litigates wholly for
 himself.

[If he litigates for some other, strike out the three last words and conclude with the following :]

for _____ whom he legally represents, who is a citizen of

the Confederate States,

[Or if a citizen or subject of some other power, describe him as such.]

and that the said whom he represents, resides in

[Or if any other relation exists between him and the Defendant, than as above stated, set it forth.]

Sworn to before me, this day of A. D. 18—.

VI.

JUDGMENT.

IN THE DISTRICT COURT OF THE CONFEDERATE STATES, }
SOUTH CAROLINA DISTRICT, }

The Confederate States of America, *vs.*
an Alien Enemy.

AND WHEREAS upon the hearing of the Petition in the aforesaid cause, and all other papers to the same relating, together with the evidence produced before the *Jurors*, to whom by the order of the Court, the same were submitted: they the said *Jurors*, that is to say,

being duly sworn, did in open Court, find by their verdict, then and there given, that the property mentioned in the said Petition is and has been since the 21st day of May, A. D. 1861, the property of an Alien Enemy: *Therefore* it is now by the said Court ordered that the said property be sequestered for the use of the Confederate States of America, according to the Act of the Congress of the Confederate States of America, No. 269, approved the 30th day of August, A. D. 1861. And that the mandate of this Court forthwith issue to the Receiver, to take the possession, control and management of the said property for the use of the Confederate States of America.

VII.

COMMISSION TO SEQUESTRATE.

CONFEDERATE STATES OF AMERICA, }
SOUTH CAROLINA DISTRICT. }

To

Receiver,

WHEREAS, certain proceedings have been had in the District Court of the Confederate States, for the District of South Carolina, sitting as a Court of Sequestration, under the Act of the Confederate Congress, entitled "An Act for the Sequestration

of the Estate, Property and Effects of Alien Enemies, and for the indemnity of Citizens of the Confederate States, and persons aiding the same in the existing war with the United States," in which it was propounded to the said Court, that within its jurisdiction certain property, to wit :

was the property of an alien enemy of the Confederate States of America : and subject to sequestration under the provisions of the said Act : and upon due consideration of the matters then propounded, the said Court did adjudge and decree the said property hereinbefore described, to be the property of the said an alien enemy : and under the authority of the said Act of the Confederate Congress, did further adjudge and decree, that the said property should be sequestered.

Now KNOW YE, That in confidence of your prudence and fidelity, full power and authority are given you to enter upon the necessary lands, tenements and real estate whatever of the said and to collect, receive and sequester into your hands for the Confederate States of America, not only all the rents and net profits of the messuages, lands, tenements and real estate, but also the goods, chattels and personal estates whatsoever, of the said

AND therefore you are commanded to go and enter upon all the messuages, lands, tenements and real estate of the said and collect, take, and get into your hands not only all the rents, and net profits of the said real estate, but also all his goods, chattels, and personal estate, and detain and keep the same pursuant to the provisions of the aforesaid Act of the Congress of the Confederate States : and to the said Court you will make correct return of what you may do in the premises.

Witness, the Hon. A. G. MAGRATH, Judge of the District Court of the Confederate States, for the District of South Carolina, this day of A. D. 1861.



